WEBINAR WEDNESDAYS

Wednesday, August 12, 2020

SEARCH AND SEIZURE FOR PROSECUTORS

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Distributed by:

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Interplay of the Arizona and United States Constitutions

Arizona courts and case law may not interpret the United States Constitution to provide more protection than United States Supreme Court case law has provided. *Arkansas v. Sullivan*, 532 U.S. 769 (2001). Although "a State is free *as a matter of its own law* to impose greater restrictions on police activity than those this Court holds to be necessary upon federal constitutional standards," a State "may not impose such greater restrictions as a matter of *federal constitutional law* when this Court specifically refrains from imposing them." *Oregon v. Hass*, 420 U.S. 714, 719 (1975).

Thus far, the Arizona Supreme Court has not interpreted the Arizona Constitution to provide greater protections against searches and seizures except in cases involving homes. *See, State v. Ault*, 150 Ariz. 459 (1986); *State v. Bolt*, 142 Ariz. 260 (1984), *State v. Mixton*, 247 Ariz. 212 (App. 2019) (*review granted*). Division II of the Arizona Court of Appeals, however, has in *Mixton, supra.* There, the court of appeals held that while the defendant lacked a reasonable expectation of privacy under the Fourth Amendment for his internet subscriber information (ISP), he did have a reasonable expectation of privacy in this information under Article II, § 8 of the Arizona Constitution. The Arizona Supreme Court granted review in *Mixton*, and no opinion has issued as of the date of this handout.

Objective Test Standard

Search and seizure analysis employs an objective test. *Maryland v. Macon*, 472 U.S. 463 (1985). "Whether a Fourth Amendment violation has occurred 'turns on an objective assessment of the officer's actions in light of the facts and circumstances confronting him at the time' . . . and not on the officer's actual state of mind at the time the challenged action was taken." *Id.* at 470 (citing *Scott v. United States*, 436 U.S. 128, 136, 138 - 39, n. 13). The officer's subjective reasons are not controlling. The objective facts control. *State v. Swanson*, 172 Ariz. 579, 838 P.2d 1340 (App. 1992).

Pretextual encounters

Whren v. United States, 517 U.S. 806 (1996). Recognized there is no pretext stop defense and held the officer's "subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis." *Whren*, at 813. [W]e have been unwilling to entertain Fourth Amendment challenges based on the actual motivations of individual officers." *Id.* "'[T]he fact that the officer does not have the state of mind which is hypothecated by the reasons which provide the legal justification for the officer's action does not invalidate the action taken as long as the circumstances, viewed objectively, justify that action.'" *Whren,* at 813 (quoting *Scott v. United States,* 436 U.S. 128 (1978)).

Arkansas v. Sullivan, 532 U.S. 769 (2001). Extended rule of *Whren, supra.*, which eliminated the pretext defense, to arrest decisions. The officer's stop and arrest of the defendant for speeding, driving without his registration and insurance, carrying a weapon, and having improperly tinted windshield was proper even though the officer was interested in searching for narcotics.

Davenpeck v. Alford, 543 U.S. 146 (2004). Evidence seized as a result of a traffic stop is not rendered inadmissible due to the subjective and stated reasons of the officer who made the stop. "Our cases make clear that an arresting officer's state of mind (except for the facts that he knows) is irrelevant to the existence of probable cause." 543 U.S. at 153. The Court noted a legal standard that relied on the subjective motivations of an officer to determine the constitutionality of a stop or arrest would lead to inconsistent results, in situations with the same set of facts, depending on the experience and motivations of the officer involved. The Court found it preferable to rely on a rule that views the facts objectively.

Brigham City v. Stuart, 547 U.S. 398 (2006). Omitted any inquiry into the motives of law enforcement for situations where the exigent circumstances warrant exception is examined.

General Miscellaneous Topics

Stops and seizures for which no reasonable, articulable suspicion is needed.

Community caretaking/police power

Cady v. Dombrowski, 413 U.S. 433 (1973). Warrantless searches may be deemed reasonable in circumstances where the police believe it necessary for the safety of the public. The Court noted officers frequently "engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute". 413 U.S. at 441. In *Cady*, the search of the trunk of car involved in a vehicle crash was reasonable where the hospitalized driver was a police officer believe to be carrying a revolver.

State v. Harrison, 111 Ariz. 508 (1975). Officer's stop of vehicle that was weaving somewhat and had a "bouncing" left rear tire was an appropriate exercise of the officer's public safety duties. "Without a doubt, the state has a valid interest in the safety of its highways for travelers." *Id.* at 509.

State v. Puig, 112 Ariz. 519 (1976). "[A] police officer may stop a vehicle to check apparent defects in safety devices." *Id.* at 520. Officer observed motorist using hand signals while turning.

State v. Becerra, 231 Ariz. 200 (2013). Stop of vehicle with one of two taillights not working was proper under community caretaker doctrine, even though state law merely required vehicles to have one working tail lamp.

Dog sniffs (see, searches above)

Plain view and visual aids (see, above)

Miscellaneous topics continued

Registration checks

Kansas v. Glover, 140 S.Ct. 1183 (2020). A traffic stop conducted after a police officer runs a vehicle's plate and discovers the registered owner has a revoked license is reasonable under the Fourth Amendment unless the officer has information indicating the owner is not the driver. *Accord, State v. Turner*, 243 Ariz. 608 (App. 2018) (upheld the stop of a vehicle when the officer discovered the owner of the vehicle had a suspended license.)

Delaware v. Prouse, 440 U.S. 648, 658 (1979). "States have a vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles, that these vehicles are fit for safe operation, and hence that licensing, registration, and vehicle inspection requirements are being observed."

Anonymous tips, citizen information, and communal police knowledge - Information which is obtained from citizens or other law enforcement officers may provide probable cause or reasonable suspicion. Additionally, an officer can make a stop/seizure based on information received from an anonymous tip, as long as there is sufficient corroboration.

Adams v. Williams, 407 U.S. 143 (1972). Reasonable basis for a stop and frisk does not have to be based on the officer's personal observation. It may rest on information supplied by another person. An informant's tip may carry sufficient "indicia of reliability" to justify a "forcible" stop even though it may be insufficient to support an arrest or search warrant. Evaluating the reliability of the tip will be case specific. W*illiams,* sustained a Terry stop and frisk based on a tip given in person by a known informant who had provided information in the past. The Court noted in-person tips are more reliable than anonymous telephone tips.

Illinois v. Gates, 462 U.S. 213 (1983). First opinion to adopt the totality of the circumstances test for analyzing whether an anonymous tip provides probable cause or reasonable suspicion. While the informant's veracity, reliability, and basis of knowledge are highly relevant when making this determination, they are not "independent requirements to be rigidly exacted in every case." *Gates*, at 230. Corroboration by the police of significant aspects of an informant's predictions imparts reliability to other allegations. A tipster who is proved to tell the truth about some things is more likely to be right about other things, including the assertion of criminal activity.

Alabama v. White, 496 U.S. 325 (1990). "[A]n anonymous tip alone seldom demonstrates the informant's basis of knowledge or veracity." *White,* at 329 (emphasis added). This is due to the fact that "ordinary citizens generally do not provide extensive recitations of the basis of their everyday observations," and an anonymous informant's credibility is "by hypothesis largely unknown, and unknowable." *Id.* Under appropriate circumstances, however, an anonymous tip may display "sufficient indicia of reliability to provide reasonable suspicion to make [an] investigatory stop." *Id.,* at 327. An informant's "veracity, reliability and basis of knowledge," is relevant in determining whether the informant's tip establishes reasonable suspicion, but a lesser showing is required to meet the reasonable suspicion standard than would be required for probable cause.

An anonymous informant conveyed that a woman would drive from a specific apartment building, at a specific time, to a specific motel in a certain vehicle with a broken right tail light. The informant further indicated the woman would be carrying cocaine. After confirming details such as time, location, and vehicle, the police stopped the car as it neared the motel and found cocaine. The corroboration of these innocent details by the officers made the anonymous tip sufficiently reliable to provide reasonable suspicion of criminal activity. Moreover, by accurately predicting future behavior, the informant demonstrated "inside information - a special familiarity with respondent's affairs," and "access to reliable information about that individual's illegal activities." *White*, at 332.

Florida v. JL, 529 U.S. 266 (2000). An anonymous tip must predict future conduct that allows the informant's reliability to be tested. A stop that relies on an anonymous tip is only justified where the tip is shown to be "reliable in its assertion of illegality, not just in its tendency to identify a determinate person." *JL,* at 272.

In *JL*, an anonymous tipster informed police a young black man at a specific bus stop wearing a plaid shirt was carrying a gun. When the police saw a black man in a plaid shirt, they frisked him and found the weapon. The tip was insufficient because it "provided no predictive information and therefore left the police without means to test the informant's knowledge or credibility." *JL*, at 271.

United States v. Hensley, 469 U.S. 221 (1985). "[E]ffective law enforcement cannot be conducted unless police officers can act on directions and information transmitted by one officer to another and officers, who must often act swiftly, cannot be expected to cross-examine their fellow officers about the foundation for the transmitted information." *Hensley,* at 231 (*quoting United States v. Robinson,* 536 F.2d 1298, 1299 (1976)).

Investigatory stop based on another law enforcement agency's "wanted flyer," was constitutional where the distributed flyer was based on articulable facts supporting reasonable suspicion that the suspect had committed an offense, even though those facts were not included in the flyer.

Navarette v. California, 572 U.S. 393 (2014). Suggests 911 calls have more reliability than conventional anonymous tips because they have provisions for recording, identifying and tracing callers and the 911 caller's phone number cannot be blocked; all of which provides protections against making false reports.

An anonymous tip can, in appropriate cases, exhibit sufficient indicia of reliability to support reasonable suspicion to conduct an investigatory stop. Assuming without deciding an informant's 911 call reporting a pickup had run her off the road was anonymous, the Court held the tip was sufficiently reliable for purposes of reasonable suspicion for a traffic stop. The anonymous driver described the make and model of the pickup and the truck's license plate number. The police located the pickup 18 minutes after the 911 call, suggesting the caller's report was made soon after she was run off the road. She "necessarily claimed eyewitness knowledge of the alleged dangerous driving" by recounting she had been run off the road by the truck and the use of the 911 system provided further assurances of her veracity. *Navarette*, at 398.

State v. Box, 205 Ariz. 492 (App. 2003)(*Abrogated on other grounds*). Arizona Revised Statute "§ 28–1594 permits an officer to stop a vehicle and detain the driver for an actual or suspected traffic violation not committed in that officer's presence but observed and reported by another officer." *Id.* at 496.

Flight/suspicious activity

Illinois v. Wardlow, 528 U.S. 119 (2000). The defendant's nervous, unprovoked flight from law enforcement in heavy drug crime area constituted reasonable suspicion to stop. The officer was justified in suspecting criminal activity, and, therefore, investigating further. "[H]eadlong flight – whenever it occurs, is the consummate act of evasion: it is not necessarily indicative of wrong doing, but it is certainly suggestive of such." *Wardlow,* at 124.

Reasonable Articulable Suspicion - In general, officers may stop and detain a vehicle if they have reasonable suspicion the law has been violated.

Terry v. Ohio, 392 U.S. 1 (1968), set forth the reasonable articulable suspicion standard. "[I]n justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Terry*, at 21. Under this approach, courts examine "whether the officer's action was justified at its inception, and whether it was reasonably related in scope to the circumstances which justified the interference in the first place." *Id.* at 20. Courts are to evaluate the reasonableness of a particular search or seizure in light of the particular circumstances available to the officer at the time, using an objective standard. "[W]ould the facts available to the officer at the moment of the seizure or the search 'warrant a man of reasonable caution in the belief' that the action taken was appropriate?" *Id.* at 21-22. The Court adopted the reasonable man test and noted "in determining whether the officer acted reasonably in such circumstances,

due weight must be given, not to his inchoate and unparticularized suspicion or 'hunch,' but to the specific reasonable inferences which he is entitled to draw from the facts in light of his experience." *Id.* at 28.

Adams v. Williams, 407 U.S. 143 (1972). "A brief stop of a suspicious individual, in order to determine his identity or to maintain the status quo momentarily while obtaining more information, may be most reasonable in light of the facts known to the officer at the time." *Williams*, at 146.

Delaware v. Prouse, 440 U.S. 648 (1979). Stopping a vehicle and detaining its occupants is a "seizure" under the Fourth Amendment. An officer must have reasonable articulable suspicion that the law has been violated to make a traffic stop. States have a "vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles [and] that licensing, registration, and vehicle inspection requirements are being observed." *Prouse*, at 648. None-the-less, officers may not randomly stop vehicles to check if the driver is licensed or if the vehicle is registered.

United States v. Cortez, 449 U.S. 411 (1981). The Fourth Amendment allows brief investigatory traffic stops when officers "have a particularized and objective basis for suspecting the particular person stopped of criminal activity." *Cortez*, at 417 - 418. This "particularized suspicion" is based on a consideration of the totality of the circumstances" and "does not deal with hard certainties, but with probabilities. Long before the law of probabilities was articulated as such, practical people formulated certain common-sense conclusions about human behavior; jurors as fact-finders are permitted to do the same - and so are law enforcement officers." *Id.,* at 418.

Hayes v. Florida, 470 U.S. 811 (1985). "[I]f there are articulable facts supporting a reasonable suspicion that a person has committed a criminal offense, that person may be stopped in order to identify him, to question him briefly, or to detain him briefly while attempting to obtain additional information." *Hayes*, at 816.

United States v. Sokolow, 490 U.S. 1 (1989). The level of objective justification required for a stop "is considerably less than proof of wrongdoing by a preponderance of the evidence." *Sokolow*, at 7. It is likewise less than probable cause. These determinations deal with probabilities which means a series of innocent facts can, when taken together, amount to reasonable suspicion.

When effectuating a stop, law enforcement is not required to use "the least "intrusive means available to verify or dispel their suspicions." The court limited any such suggestion made in *Florida v. Royer,* 460 U.S. at 500, to the length of the investigative stop, not to the availability of a less intrusive means to verify the officer's suspicions before the stop. "The reasonableness of the officer's decision to stop a suspect does not turn on the availability of less intrusive investigatory techniques. Such a rule would unduly hamper the police's ability to make swift, on-the-spot decisions. . . and it would require courts to "indulge in 'unrealistic second-guessing.'"

(*quoting, Montoya de Hernandez,* 473 U.S. at 542 (1985), *quoting, United States v. Sharpe,* 470 U.S. at 686-87 (1985).)

a) An officer does not have to rule out innocent explanations for the observed behavior

United States v. Arvizu, 534 U.S. 266 (2002). Rejected a test that evaluated the individual factors supporting a stop in a piecemeal manner and gave those factors with innocent explanations no weight, because such a test does not take into account the totality of the circumstances. [*Accord*, *Kansas v. Glover,* 140 S.Ct. 1183 (2020) (Traffic stop conducted after an officer ran a vehicle's plate and discovered the registered owner had a revoked license ruled reasonable under the Fourth Amendment. Fact that someone other than the registered owner of the vehicle may have been driving did not invalidate the stop).]

Navarette v. California, 572 U.S. 393 (2014). The fact that there may be an innocent explanation for the driving behavior does not negate reasonable suspicion. "[W]e have consistently recognized that reasonable suspicion "need not rule out the possibility of innocent conduct." *Navarette*, at 403 (*quoting, United States v. Arvizu,* 534 U.S. 266, 277 (2002)).

State v. Turner, 243 Ariz. 608 (App. 2018). Reasonable suspicion does not require the officer to rule out innocent explanations for the defendant's conduct. It merely requires the officer to have the minimal, objective justification for the stop. Reasonable suspicion existed to stop a vehicle when the officer discovered the owner of the vehicle had a suspended license. It did not matter if the officer could not see the driver clearly enough to identify the driver as the owner of the vehicle.

Sta*te v. Evans*, 237 Ariz. 231 (2015). Reasonable suspicion does not require an officer to rule out possible alternate, innocent explanations for the observed conduct. The State is not required to demonstrate that conduct eliminated a significant portion of innocent travelers. Moreover, the court does not have to make such findings. Officer's observation of defendant appearing to punch his passenger (three rapid, closed-fisted movements toward the passenger) justified the investigative stop.

Devlin v. Browning, 2020 WL 3026396 (App. 2020). "An officer need not 'rule out the possibility of innocent explanations for [a defendant's] conduct,'" *Id.(quoting, State v. Turner,* 243 Ariz. 608, ¶ 7 (App. 2018).

b) Reasonable mistake of fact or law

Heien v. North Carolina, 574 U.S. 54 (2014). Reasonable articulable suspicion for a traffic stop can be predicated on an officer's reasonable factual mistake. Likewise, a

search or seizure, including a traffic stop, may be based on a reasonable mistake of law. The reasonableness of both types of mistakes will be evaluated objectively. The subjective understanding of the officer will not be considered.

c) Reliance on suspect's criminal history

State v. Woods, 236 Ariz. 527 (App. 2015). An officer may rely in part on a suspect's criminal history to form reasonable suspicion. Criminal history alone, however, is never enough. Defendant was driving rental car in which there were no personal belongings. His explanations were contradictory, he had an extensive criminal record, and was in possession of unlabeled boxes packaged like drugs are. The totality of the circumstances provided enough evidence to justify detaining him for a dog sniff.

d) Reasonable articulable suspicion for DUI and other traffic offenses

AUTHOR'S NOTE: Most moving violations are also going to be indicative of possible impaired driving which provides an additional justification for the traffic stop. *See, Blake, and Gutierrez, infra.* Likewise, most equipment violations involve safety concerns and provide grounds to stop under the community caretaking doctrine. *See, State v. Becerra*, 231 Ariz. 200 (2013). Be sure to add these arguments to your pleadings and motion hearings.

Whren v. United States, 517 U.S. 806 (1996). The violation of a traffic law alone provides grounds for an officer to stop a vehicle. (Officer justified in stopping a vehicle after it turned without signaling and sped off at an "unreasonable speed".)

A.R.S. 28-1594. Authority to detain persons

> A peace officer or duly authorized agent of a traffic enforcement agency may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this title and to serve a copy of the traffic complaint for an alleged civil or criminal violation of this title.

DUI

Navarette v. California, 572 U.S. 393 (2014). A 911 caller's account of being run off the road provided reasonable suspicion of DWI. The fact that there may be an innocent explanation for the driving behavior does not negate reasonable suspicion of DWI; neither officers nor courts need to rule out the possibility of innocent conduct when determining reasonable suspicion. Likewise, the fact that an officer did not witness additional suspicious driving conduct after the defendant's car was located did not refute reasonable suspicion of impaired driving. "It is hardly surprising that

the appearance of a marked police car would inspire more careful driving for a time." *Navarette*, at 404. An officer who already possesses reasonable suspicion is not required to follow and monitor a vehicle at length merely to personally perceive suspicious driving. This is especially true when impaired driving is suspected because "allowing a drunk driver a second chance for dangerous conduct could have disastrous consequences." *Id.* at 405.

This opinion included the following useful string cite and comments in which the Court cited with approval the NHTSA publication *The Visual Detection of DWI Motorists,* (March 2010).

"[W]e can appropriately recognize certain driving behaviors as sound indicia of drunk driving. See, *e.g., People v. Wells,* 38 Cal.4th 1078, 1081, 45 Cal.Rptr.3d 8, 136 P.3d 810, 811 (2006) (" 'weaving all over the roadway' "); *State v. Prendergast,* 103 Hawai'i 451, 452–453, 83 P.3d 714, 715–716 (2004) ("cross[ing] over the center line" on a highway and "almost caus[ing] several head-on collisions"); *State v. Golotta,* 178 N.J. 205, 209, 837 A.2d 359, 361 (2003) (driving " 'all over the road' " and " 'weaving back and forth' "); *State v. Walshire,* 634 N.W.2d 625, 626 (Iowa 2001) ("driving in the median"). Indeed, the accumulated experience of thousands of officers suggests that these sorts of erratic behaviors are strongly correlated with drunk driving. See Nat. Highway Traffic Safety Admin., The Visual Detection of DWI Motorists 4–5 (Mar. 2010), online at http://nhtsa.gov/staticfiles/nti/pdf/808677.pdf (as visited Apr. 18, 2014, and available in Clerk of Court's case file). Of course, not all traffic infractions imply intoxication. Unconfirmed reports of driving without a seatbelt or slightly over the speed limit, for example, are so tenuously connected to drunk driving that a stop on those grounds alone would be constitutionally suspect. But a reliable tip alleging the dangerous behaviors discussed above generally would justify a traffic stop on suspicion of drunk driving." *Navarette, at* 402.

State v. Superior Court (*Blake*, Real Party in Interest), 149 Ariz. 269 (1986); *State v. Guiterrez,* 240 Ariz. 460 (App. 2016); *State v. Acosta,* 166 Ariz. 254 (1996).

REASONABLE SUSPICION FOR DUI INVESTIGATION

Devlin v. Browning, 2020 WL 3026396 (App. 2020). Officer had reasonable suspicion to conduct a DUI investigation. It was in the early morning hours, the area was a known artery for impaired drivers leaving nearby bars, Defendant was driving ten miles per hour over the speed limit, his eyes were bloodshot and watery, the odor of alcohol emanated from the vehicle, Devlin's admitted to drinking alcohol, and the officer observed the indication of nystagmus in one of Devlin's eyes.

FAILURE TO SIGNAL [A.R.S. 28-754]

State v. Salcido, 238 Ariz. 461 (App. 2015). The failure to signal does not have to cause an actual change in the movement of the other vehicle. It is enough if it might influence the driver's consideration in driving.

Whren v. United States, 517 U.S. 806 (1996).

SUSPENDED/REVOKED LICENSE

State v. Turner, 243 Ariz. 608 (App. 2018). Reasonable suspicion exists to stop a vehicle when officer discovers the owner of the vehicle has a suspended license. It does not matter if the officer could not see the driver clearly enough to identify the driver as the owner of the vehicle. The officer is not required to rule out innocent explanations for the conduct.

Kansas v. Glover, 140 S.Ct. 1183 (2020). A traffic stop conducted after a police officer runs a vehicle's plate and discovers the registered owner has a revoked license is reasonable under the Fourth Amendment unless the officer has information indicating the owner is not the driver.

Delaware v. Prouse, 440 U.S. 648, 658 (1979). "States have a vital interest in ensuring that only those qualified to do so are permitted to operate motor vehicles, that these vehicles are fit for safe operation, and hence that licensing, registration, and vehicle inspection requirements are being observed."

SPEEDING

State v. Joliff, 111 Ariz. 376 (1975). Vehicle exceeding posted speed limit by more than 5 miles per hour [and weaving].

State v. Acosta, 166 Ariz. 254 (App. 1990). Traveling at any speed in excess of the speed limit is a traffic offense and an officer is justified in stopping the vehicle.

See also, State v. Box, 205 Ariz, 492 (App. 2003); *State v. Ossana,* 199 Ariz. 459 (App. 2001); *Whren v. United States,* 517 U.S. 806 (1996).

CRACKED WINDSHIELD

State v. Vera, 196 Ariz. 342 (App. 1999).

IMPROPER LANE CHANGE

State v. Swanson, 172 Ariz. 579 (App. 1992).

State v. Acosta, 166 Ariz. 254 (1996).

DRIVING AT NIGHT WITH NO TAILLIGHTS

State ex rel. Hyder v. Superior Court (*Kruglick*, Real Parties in Interest), 114 Ariz. 337 (1997).

WEAVING

State v. Superior Court (*Blake*, Real Party in Interest), 149 Ariz. 269 (1986).

State v. Harrison, 111 Ariz. 508 (1975).

State v. Joliff, 111 Ariz. 376 (1975).

The Length or Duration of the Stop:

Florida v. Royer, 460 U.S. 491 (1983): "An investigative detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Similarly, the investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer's suspicion in a short period of time."

Arizona v. Johnson, 555 U.S. 323 (2009): A lawful roadside stop begins when a vehicle is pulled over for investigation of a traffic violation. The temporary seizure of driver and passengers ordinarily continues, and remains reasonable, for the duration of the stop. Normally, the stop ends when the police have no further need to control the scene, and inform the driver and passengers they are free to leave. An officer's inquiries into matters unrelated to the justification for the traffic stop do not convert the encounter into something other than a lawful seizure, so long as the inquiries do not measurably extend the stop's duration.

Rodriquez v. United States, 575 U.S. 348 (2015): The officer made a traffic stop and issued a warning for a traffic violation. He asked the suspect for permission to walk his canine around the vehicle to check for drugs and the suspect refused. The officer detained the driver until a second police unit arrived and then walked the dog around the vehicle. The dog alerted approximately 7-8 minutes after the traffic warning was issued. The *Rodriquez* Court spells out the parameters for traffic stop investigations, the tasks that are permitted and the limits to the duration when a narcotics dog is being utilized. The traffic stop's tolerable duration is determined by the seizure's 'mission,' which is to address the traffic violation that warranted the stop and to attend to related safety concerns. Authority for the seizure ends when tasks tied to the traffic infraction are – or reasonably should have been – completed. The Fourth Amendment may tolerate certain unrelated investigations that do not lengthen the roadside detention."

State v. Urrea, 242 Ariz. 518 (App. 2017)(*other portions of the opinion vacated*). Officer's request for defendant to step out of his car and wait by patrol vehicle did not illegally prolong the stop; even though the deputy went back to the vehicle a second time to check the VIN. Officers may remove vehicle occupants for safety reasons.